

PHOENIX OFFICE:

2910 N. 44th Street, Suite 100
Subdivisions Section
Phoenix, Arizona 85018
(602) 468-1414 ext. 400

**ARIZONA
DEPARTMENT
OF REAL ESTATE**

TUCSON OFFICE:

400 West Congress
Suite 523
Tucson, Arizona 85701
(520) 628-6940

**APPLICATION FOR
AMENDED PUBLIC REPORT**

General Information

1. This amendment procedure is available for use by a person or organization in amending **their own public report.**
2. It is unlawful for anyone, after submitting to the commissioner the development and sales plan under which lots, parcels or interests are to be offered for sale or lease and securing approval, to change that plan without first notifying the commissioner in writing of the intended change. Upon the filing of any notice of change and pending amendment of the public report, the Owner/Applicant must agree to suspend sales or, with Department approval, continue sales providing the purchaser a copy of the current public report and disclosure of all changes prior to signing a contract. Prior to continuing sales, the Owner/Applicant must obtain Department approval of the form and content of the disclosure of changes. Sales must be conditioned upon purchaser receiving the amended public report for which a receipt shall be taken.

NON-COMPLIANCE WITH THE ABOVE MAY RESULT IN VOIDABLE SALES AND THE RIGHT OF RESCISSION FOR PURCHASERS. FURTHER, THE DEPARTMENT MAY IMPOSE ADMINISTRATIVE PENALTIES.

3. The Department may find the use of this procedure unacceptable under certain circumstances and deny the application. Therefore, prior to filing this application, it would be prudent to contact the Department representative who issued your public report regarding the use of this procedure.

THE DEPARTMENT GIVES NO ASSURANCE THAT THIS FORM CAN BE USED. TO AVOID ANY DELAY IN PROCESSING OR TO AVOID LOSS OF YOUR APPLICATION FEE BECAUSE OF THE ISSUANCE OF AN ORDER DENYING THE AMENDED PUBLIC REPORT, PLEASE CONTACT THE DEPARTMENT PRIOR TO FILING THIS APPLICATION.

4. Although you are required to provide notice of changes, the Department may not deem issuance of an amended public report necessary unless there are changes that will cause information in the public report to be incomplete, incorrect or misleading. Contact the Department representative for direction on how to proceed prior to filing this application.
5. The filing fee to amend a subdivision public report is \$250.00; unsubdivided land public report, \$500.00; campground public report, \$300.00; and time-share public report, \$0.00.
6. When possible, amendment applications will be processed by the Department representative who issued your public report. Applications will be directed immediately to the appropriate representative upon receipt and initial processing by staff.

Filing Procedures

1. File the attached NOTICE AND APPLICATION FOR AMENDED PUBLIC REPORT at the local office of the Department of Real Estate with the correct filing fee. If a site inspection is deemed necessary, you will receive a bill for inspection costs.
2. Provide supporting documentation related to the change(s) as necessary, e.g. updated title report; copies of recorded liens and encumbrances, together with acceptable release provisions; recorded restrictions or amendments thereto; easements; financial arrangements acceptable to the Department for completion of improvements; purchase contract to be used.
3. Provide a purchase contract addendum, to be signed by both seller and purchaser, acknowledging that the sale is conditioned upon issuance of the amended public report and purchaser's receipt and acceptance of the amended public report.
4. The Department is required by law to process this application in accordance with established time frames. The following is a description of the time frames and procedures which the Department and applicant must comply with:
 - A. **Overall time frame.** The Department shall issue or deny a public report within the overall time frame after receipt of the complete application. The overall time frame is the total of the number of days provided in the administrative completeness review and the substantive review.

	Administrative Completeness Review	Deficiency Completion Period	Substantive Completeness Review	Additional Information Period	Overall Time-frame
Original Application	20	20	50	20	70
Amendment	10	10	10	10	20

B. Administrative completeness review.

1. The administrative completeness review time frame begins the date the Department receives the application. The Department shall notify the applicant in writing of deficiencies within the administrative completeness review time frame. The notice shall specify what information is missing. If the Department does not provide notice to the applicant, the application shall be deemed administratively complete.
2. An applicant with an incomplete application shall supply the missing information within the completion period shown in the above table. The administrative completeness review time frame is suspended from the date of the Department's deficiency notice until the Department receives the information.
3. An applicant shall not supply missing information "piece-meal". The receipt of any missing information will be interpreted as the applicant's response to the Department's deficiency notice and the Department will resume processing the application.
4. If the applicant fails to submit all of the missing information before the completion deadline, the Department will close the file. An applicant whose file has been closed and who later wishes to obtain a public report shall submit a new application.

C. **Substantive review.** The substantive review time frames shown in the above table begin the day after the application is deemed administratively complete.

1. The Department may schedule an inspection.
2. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional time period shown in the above table. The substantive review time frame is suspended from the date of the Department's request until the Department receives the information. If the applicant fails to provide the information identified in the request, the Department shall deem the application withdrawn and close the file.
3. An applicant shall not supply the requested additional information "piece-meal". The receipt of any requested information will be interpreted as the applicant's response to the Department's request for additional information and the Department will resume processing the application.
4. Unless the file has been closed because the application was incomplete, the Department shall issue a written notice granting or denying the public report within the substantive review time frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial, the applicant's right to seek a fair hearing and the time period and manner in which the applicant may appeal the denial.

D. **Application filing.** All development applications filed with the Department shall be considered filed on the date received by the Department.

E. **Computation of time.** In computing any period of time, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is Saturday, Sunday or a legal holiday in which event the period runs until the end of the next day which is neither Saturday, Sunday nor a legal holiday.

OPTIONAL: Upon your request, Department representatives may authorize you to prepare the Amended Public Report using the Department Template and submit it on a 3 ½" diskette in Microsoft Word 7.0 for windows 95 format.

**ARIZONA
DEPARTMENT
OF REAL ESTATE**

APPLICATION FOR AMENDED PUBLIC REPORT

(Development Name)

(Department Representative)

(Owner - Applicant) hereby provides

notice of the following changes to our development/project and sales offering or information previously provided the Arizona Department of Real Estate under Registration No. _____ (Use separate sheet if necessary):

Until such time as the Amended Public Report is issued, the above owner/applicant agrees that sales of lots/interests in the above cited development/project will be suspended, or continue with all purchasers being provided a copy of the current public report and disclosure of all changes prior to signing the purchase contract. It is understood that each sale is conditioned upon purchaser receiving the amended public report.

The undersigned, _____, being duly sworn deposes and says:

1. I have the legal authority to execute and provide this notice on behalf of the above named Owner/Applicant;
2. The statements herein contained, and the documents submitted herewith, are full, true and complete; and
3. There are no changes to our development; our sales offering or information previously provided the Department, other than as listed above.
4. Receipts will be obtained from purchasers for all public reports and disclosures of changes.

State of _____)
County of _____)ss. _____

This instrument subscribed to and sworn before me
this _____ day of _____, 19__ by

_____, in witness
whereof I set my hand and official seal.

NOTARY PUBLIC

My Commission Expires: _____